

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 8921	DATE	6/14/2002
CASE TITLE	Kathleen Pappas vs. Southwest Partners, Inc. etc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. The motion to dismiss is denied. Status hearing set for July 10, 2002 at 9:15am.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.		U.S. DISTRICT COURT CLERK 02 JUN 14 PM 1:13 01-03-0311	number of notices	Document Number 23
JUN 17 2002			date docketed	
[Signature]			docketing deputy initials	
date mailed notice				
mailing deputy initials				
WAH	courtroom deputy's initials			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

JUN 17 2002

KATHLEEN PAPPAS,

Plaintiff,

vs.

No. 01 C 8921

SOUTHWEST PARTNERS, INC., d/b/a


WILLIAM BUICK,


Defendant.

MEMORANDUM OPINION AND ORDER

Plaintiff claims she contracted for an extended service contract on a vehicle she purchased from defendant and defendant did not purchase it. She also claims that she paid considerably more than the price stated on the Monroney sticker, which included more items than she got, and that the only reason she knows that is that she complained months later to the manufacturer about the absence of a sticker, and then it was supplied. Defendant has furnished an affidavit stating that an extended service contract was purchased (although not from the same company or on the same terms previously represented). And it contends it can sell a vehicle for whatever the buyer will pay. It moves to dismiss.

The motion to dismiss is denied. Defendant concedes the extended service contract motion is one for summary judgment, which was filed in lieu of an answer. It is premature. Perhaps defendant is right, but there has been no discovery and plaintiff is entitled to reasonable discovery before contending with a summary judgment motion. We are also not persuaded that a claim that charging a price well in excess of that stated on a Monroney sticker, without disclosing the sticker, is perfectly justifiable.


JAMES B. MORAN
Senior Judge, U. S. District Court

 June 14, 2002.

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